



# Post Decision Application Review

Handout #70 Revised 6/22/04

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## What is a Post Decision Review?

A post decision review is a process established to consider changes to originally approved development plans. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws. A proposed post decision change cannot substantially change the nature of originally approved development. A post decision review application can be submitted any time prior to final site plan or final plat approval.

Depending on the nature of the change, the review process to consider a change may be less onerous than required for the initial land development application. The Responsible Official will determine if the requested change requires a Type I, II, or III review. A decision that is denied is not eligible for post decision review.

## How does the responsible official determine the appropriate review process?

The responsible official must first determine if the proposed change is eligible for a post decision review (i.e., the proposed change is of a minor nature and, therefore, not subject to a new application). Next, the proposed change must be classified for the type of review, based upon the following:

### For a Type I Decision:

- Application for post decision review of a Type I decision shall be subject to a Type I review process.
- Application for post decision review of an initial Type II decision shall be subject to a Type I review process, provided the change:
  - Does not increase the potential adverse impact of the development authorized by the decision;
  - Is consistent with the applicable law or variations permitted by law, including a permit which the development is subject;
  - Does not involve an issue of broad public interest, based on the record of the decision; and,
  - Does not require further SEPA review.

### For a Type II Decision:

Application for a post decision review of an Type II decision shall be subject to a Type II review process if the requested change:

- Reduces the potential adverse impact of the development authorized by the decision;
- Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and,

- Does not involve an issue of public interest, based on the record of the decision.

#### For a Type III Decision:

- Application for a post decision review of a Type III decision shall be subject to a Type II if the change:
  - Does not increase the potential adverse impact of the development authorized by the decision or SEPA determination;
  - Is needed to address a minor change in the facts or the law, including a permit to which the development is subject; and,
  - Does not involve an issue of broad public interest, based on the record of the decision.
- Application for post decision review of a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review as noted above.

#### For All Decisions:

When a post decision request for a change involves a condition of approval that was imposed in the original decision, that condition of approval can only be changed by the same type of review process as the original decision.

#### **Is a post decision review required for road modifications?**

Design modifications requested after the preliminary development application is approved, requires a road modification and post decision review application. Design modifications include reduced sight distances, changes in vertical alignment, horizontal alignment, geometric design (length, width, bulb radius, etc), design speed, crossroads, access, and alternative designs that provide a plan superior to the adopted standards. Administrative modifications such as changes in surface materials, asphalt and/or base rock thickness less than required, exceed the maximum street grads, etc. do not require a post decision application. (For more information, see Handout #75-A Road Modifications)

#### **Is a pre-application conference required?**

No. A pre-application conference is not required for a post decision review.

#### **What is the application process?**

The first step is to submit a completed Post Decision Application form and fees, together with the required number of copies of the attached submittal requirements (Type I = 8 copies immediately; Type II and III = 6 total copies after the application has been determined to be Fully Complete) to the Customer Service Center.

#### **What if I didn't submit all of the required information?**

The County conducts two application checks to ensure that applications are complete before staff begins their development review process. Prior to accepting your application, the Customer Service staff will conduct a "**Counter Complete**" review of your submittal package. This initial review ensures that **all items with a bold underlined space** listed within the submittal requirements have been

submitted before accepting your application (see attached submittal list). These include:

1. Cover Sheet and Table of Contents
2. Application Form
3. Application Fee
4. Copy of Approved Development Plan
5. Copy of Original Development Review Decision
6. Narrative
7. Copy of Proposed Plans or Drawings Revisions
8. Other Relevant Information
9. Submittal Copies

Once your application is accepted, the original submittal package is routed to our review staff. Staff conducts a second completeness check, known as the “**Fully Complete**” review. This more detailed review ensures that **all items with a box to the left** listed under the numbered headings of the attached submittal requirements have been submitted. As an example, does the “Proposed Land Division Plan” show: “Topography at two-foot contour intervals”, “Water courses [streams, rivers, etc], “Center of stream surveyed for all on-site water courses”, “FEMA designated 100 year floodplain...”, etc.).

If required items are missing from your original submittal, you will receive a letter of “**Not Fully Complete**,” with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less the processing costs incurred to date.

If **all** of the submittal requirements have been met, the applicant will be directed to submit five (5) additional copies that contain the revisions and additional information that may have been required to be Fully Complete. Once all Fully Complete copies have been received, you will receive a “Fully Complete” determination letter and be vested on the date you submitted the Fully Complete application (see below for an explanation of vesting).

#### **What kind of public notice is provided?**

For Type I post decision reviews, notice is only provided to the applicant. For type II and III post decision reviews, notice describing the proposed change will be mailed to property owners within a 300' radius (if within an urban growth boundary), and a 500' radius (if outside an urban growth boundary) of the project site and to the applicant. This notice is sent within 14 calendar days from the “Fully Complete” date.

The notice will invite written comments to be submitted within 14 calendar days of the date of the notice. Copies of any written comments received in a timely manner

will be sent to the applicant. The applicant may submit a written response within 14 days from the date the comments are mailed.

For Type III post decision reviews the property is also posted with a sign noting the type of proposed change and hearing date and notice is sent to the newspaper at least 14 calendar days before the hearing,

### **What is a Staff Report and when is the decision made?**

Staff's role is to prepare a Staff Report that summarizes their review of the proposed change(s) against the requirements of the Clark County Code (CCC). For Type I and II reviews, the staff will make a decision to approve, approve with conditions or deny the application. For Type III reviews, the staff report will make a recommendation to the Hearing Examiner for their consideration and decision.

Review time is dependent on the type of review and follows:

- Type I = Decision within 21 days after a Fully Complete determination.
- Type II = Decision within 78 days after a Fully Complete determination.
- Type III = Hearing held within 78 days after a Fully Complete determination, and a written decision rendered within 14 calendar days after the record is closed. The written decision will be mailed within 7 calendar days of the decision.

### **Can the decision be appealed?**

The Responsible Official's decision (i.e., for Type I and II reviews) may be appealed to the County Hearings Examiner by the applicant or any person or group. The Hearings Examiner decision (to include Type III reviews) may be appealed to the Board of County Commissioners. An appellant must submit an appeal application and fee (Responsible Official decision appeal = **\$1070**; Hearings Examiner decision appeal = **\$279**) within 14 calendar days after the written notice of the decision is mailed.

**Please note that an application for a post-decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.**

**Note:** This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code, Chapter 40.520.060.

## **DEVELOPMENT REVIEW POST DECISION APPLICATION SUBMITTAL REQUIREMENTS**

The following checklist identifies information to be included with the Application. All items with a bold underlined space (i.e.,     ) must be submitted before the application will be considered “**Counter Complete.**” All items with a box to the left must be submitted before the application will be determined “**Fully Complete.**” All bulleted items must be submitted, as applicable, but are not a “Fully Complete” requirement.

At the time of application, only **one copy of the main submittal** with original signatures, **shall be submitted and bound by a jumbo clip or rubber band.** One copy of any special studies (e.g., wetland, floodplain, etc) **shall also be submitted but bound separately.**

Once the original application contains all the required information, the applicant will be contacted to submit additional copies of the main submittal and any special studies with revisions.

1.      **COVER SHEET AND TABLE OF CONTENTS** - Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, e-mail address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.
2.      **APPLICATION FORM** - The application form shall be completed and original signed in ink by the applicant.
3.      **APPLICATION FEE** - The requisite fee for post decision review shall accompany the application. The check is to be made payable to "Clark County Community Development".
4.      **COPY OF THE ORIGINAL DEVELOPMENT PLAN** - A copy of the approved preliminary development plan shall be submitted.
5.      **COPY OF ORIGINAL DEVELOPMENT DECISION** - A copy of the final decision issued by the Responsible Official or Hearings Examiner, as applicable, shall be submitted. If the application was appealed, the appeal decision shall also be included.
6.      **NARRATIVE** - A written narrative shall be submitted addressing the following:

- Specific change or modification being requested;
- Specific code section for (from) which the change or modification is being requested;
- Reasons for the request; and,
- How the change or modification meets or exceeds each of the applicable approval criteria and standards;

**7. \_\_ APPROVED PLANS OR ADDITIONAL DRAWINGS WITH CHANGES IDENTIFIED** - Any proposed changes or road modifications shall be depicted on the approved development plan or separate drawings (as applicable).

- Plans or drawings shall be drawn to a minimum engineer's scale of 1" = 200' on a sheet no larger than 24" x 36".

**8. OTHER RELEVANT INFORMATION** - Any other relevant evidence or documentation the applicant wishes to submit in support of the change or road modification request.

**9. SUBMITTAL COPIES:**

\_\_ One copy of the main submittal, bound by jumbo clip or rubber band, with original signatures (8 copies for Type I applications); and,

\_\_ One copy of any special studies (e.g., wetland, floodplain, etc) and bound separately.

For Type II and II reviews, when all required information is submitted with the original application, the applicant will be directed to submit five (5) additional individually bound copies of the main submittal. The applicant will also be directed to submit additional individually bound copies of any special studies as identified below. These copies must contain any revisions or additional information required in the Fully Complete review, and be bound using jumbo clips, stapled, comb or spiral binding, etc.

Copies of any special studies (as identified within the "Pre-Application Report") as following:

- 1 original and 3 copies – Archeological Pre-Determination Report
- 1 original - Archeological Study
- 1 original and 3 copies - Traffic Study and Road Modification requests
- 1 original and 2 copies of all other special studies or permits to include: Critical Aquifer Recharge Areas (CARA), floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland).

\_\_ Include reduced copies of 11" x 17" for all sheets larger than 11" x 17."

**Staff Notes:**

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**POST DECISION REVIEW  
FEE SCHEDULE**

TYPE I REVIEW	\$ 606
TYPE II REVIEW	\$1,183
TYPE III REVIEW	\$1,742

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011  
Web Page at: <http://www.clark.wa.gov>**

# DEVELOPMENT REVIEW APPLICATION FORM

(Form DS1000-Revised 12/4/03)



<b>PROJECT NAME:</b>		
<b>TYPE(S) OF APPLICATION (See Reverse Side):</b>		
<b>DESCRIPTION OF PROPOSAL:</b>		
<b>APPLICANT NAME:</b>	Address:	
E-mail Address:	Phone and Fax:	
<b>PROPERTY OWNER NAME</b> (list multiple owners on a separate sheet):	Address:	
E-mail Address:	Phone and Fax:	
<b>CONTACT PERSON NAME</b> (list if not same as APPLICANT):	Address:	
E-mail Address:	Phone and Fax:	
<b>PROJECT SITE INFORMATION:</b> Site Address:		Comp Plan Designation:
Cross Street:	Zoning:	Serial #'s of Parcels:
Overlay Zones:	Legal:	Acreage of Original Parcels:
Township:	Range:	¼ of Section:

## AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.

Authorized Signature

Date

<b>Assigned at Customer Service Center</b>	<b>CASE NUMBER:</b>	
	<b>WORK ORDER NUMBER:</b>	



## **APPLICATION TYPES**

If you have any questions regarding the type of application being requested, our Customer Service Center will be happy to assist you.

- ☐ Annual Review
- ☐ Appeal
- ☐ Boundary Line Adjustment and Lot Reconfiguration
- ☐ Conditional Use

### **Environmental/Critical Areas:**

- ☐ Archaeological
- ☐ Critical Aquifer Recharge Area (CARA)
- ☐ Columbia River Gorge
- ☐ Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- ☐ Floodplain
- ☐ Geological
- ☐ Habitat
- ☐ Historic
- ☐ SEPA
- ☐ Shoreline
- ☐ Wetland

### **Land Division:**

- ☐ Binding Site Plan
- ☐ Final Plat
- ☐ Plat Alteration
- ☐ Short Plat (\_\_\_ Infill)
- ☐ Subdivision (\_\_\_ Infill)

### **Miscellaneous:**

- ☐ Addressing
- ☐ Accessory Dwelling
- ☐ Covenant Release
- ☐ Garden Shed Setback Waiver
- ☐ Home Occupation
- ☐ Legal Lot Determination & Innocent Purchasers Determination
- ☐ Non-Conforming Use Determination
- ☐ Reconstruct Letter
- ☐ Sewer Waiver
- ☐ Shooting Range
- ☐ Sign

### **Planning Director Review:**

- ☐ Post Decision
- ☐ Pre-Application Conference
- ☐ Pre-Application Waiver
- ☐ Public Interest Exception
- ☐ Similar Use
- ☐ Temporary Use
- ☐ Other

- ☐ Planned Unit Develop/Master Plan
- ☐ Road Modification
- ☐ Site Plan
- ☐ Variance
- ☐ Zone Change